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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,798	09/19/2001	Daniel Albertus Jozef Dijks	2120/77997	1409

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01/05/2005

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EXAMINER

WEINSTEIN, STEVEN L

ART UNIT

PAPER NUMBER

1761

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Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO. 09/955,798	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER Steven Weinstein

ART UNIT 1761	PAPER 999
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DATE MAILED:

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Commissioner for Patents

The reply filed on April 23, 2004 with the claims resubmitted on 8/23/04 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): As first noted in the Office action mailed 11/20/2003, the rules for filing and prosecuting an RCE require that the claims must be restricted to the invention examined prior to filing the RCE. The invention previously examined was a pouch for coffee. The new claims filed 4/23/04, claims 48-53 are directed to an assembly system comprising a coffee pouch and a holder for use in a pressurized coffee machine, which is a different invention, from the pouch. Therefore, the amendment is not in compliance with the rules for an RCE (MPEP. 706.07 (h), page 700.95 and page 700.88). If applicant chooses to continue prosecution of this application, applicant is required to submit an amendment that is solely directed to the invention examined at the time of filing the RCE (i.e. the pouch). Note, too, the claims being examined at the time of filing the RCE (i.e. the claims filed 9/26/02) positively recited coffee in the pouch. The current claims to the pouch do not positively recite that there is coffee in the pouch and are therefore also not drawn to the invention that was examined at the time of filing the RCE. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Steven Weinstein/af
December 16, 2004

Steven Weinstein
STEVE WEINSTEIN
PRIMARY EXAMINER 1761
1/4/05